



12-04-02

~~44/3671~~

Packet No: 28396-6

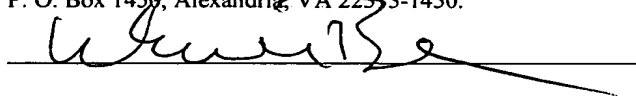
PATENT

CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label #: ET252822170US

Date of Deposit: February 3, 2004

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Brandon, Dennis

Paper No.:

Serial No.: 10/666,387

Group Art Unit: 3671

Filed: Sept. 18, 2003

Examiner:

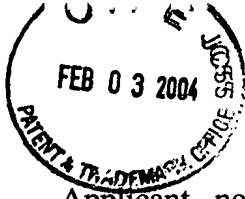
For: **ADJUSTABLE SPINDLE ASSEMBLY FOR A GRASS TRIMMER**

SUPPLEMENT TO
PETITION TO ESTABLISH FILING DATE
IN RESPONSE TO NOTICE OF INCOMPLETE
NONPROVISIONAL APPLICATION

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the notice of incomplete nonprovisional application dated January 29, 2004, in the above application, Applicant has previously petitioned pursuant to 37 CFR § 1.53(e) that the filing date of the pending Application Serial No. 10/666,387 be determined to be September 18, 2003. Applicant asserted as grounds for its petition the fact that the specification of the copending parent Application Serial No. 09/795,645 was incorporated by reference. In that petition, Applicant demonstrated that the declaration and preliminary amendment filed with the application established incorporation by reference.



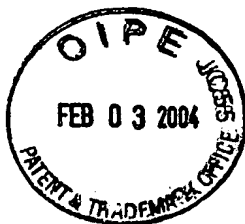
Applicant now supplements its petition to document that the Utility Patent Application Transmittal form that was filed with the current application contains an *express statement of incorporation by reference*. In particular, Box 6 on the first page of the transmittal is checked, and states: "*The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein.*" The prior application is specifically identified in Box 21 of the transmittal. A copy of the above-referenced Utility Patent Application Transmittal is attached to the Declaration of W. Edward Ramage submitted herewith, along with the stamped-filed postcard establishing that the Utility Patent Application Transmittal and accompanying documents were filed on September 18, 2003.

Because the application materials filed on September 18, 2003, contain an express declaration of incorporation by reference of the entire disclosure of the parent application, a September 18, 2003, filing date is proper under MPEP 606.01(p). Accordingly, Applicant respectfully requests that the Commissioner determine that the disclosure thereby incorporated sufficiently meets the requirements of 35 U.S.C. § 112, and establishes a filing date for the pending application of September 18, 2003. Applicant further requests a refund of the petition fee of \$130.00, which accompanied this petition. Please charge any other fees required to Deposit Account No. 04-1133.

Respectfully submitted,

By: 

W. Edward Ramage
Registration No. 50,810
Attorney for Applicants
DINSMORE & SHOHL, LLP
414 Union Street, Suite 1100
Nashville, Tennessee 37219
(615) 313-3338



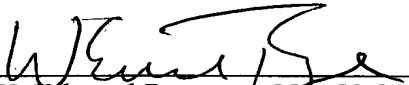
DECLARATION
OF
W. EDWARD RAMAGE

Comes now W. Edward Ramage, as representative of the Applicant in Application Serial No. 10/666,387, and declares under penalty of perjury as of the date below as follows:

1. Attached hereto is a true and correct copy of the Utility Patent Application Transmittal that was filed on September 18, 2003, for Application Serial No. 10/666,387. Box 6 of the transmittal is checked, and incorporates by reference the entire disclosure of the prior application, Application Serial No. 09/795,645, which is identified in Box 21 of the same form.

2. Attached hereto is a true and correct copy of the return postcard accompanying the application materials, including the above Utility Patent Application Transmittal, for Application Serial No. 10/666,387, establishing that the application, including the above Utility Patent Application Transmittal, were filed with the Patent and Trademark Office on September 18, 2003.

3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



W. Edward Ramage, No. 50,810

2/3/04

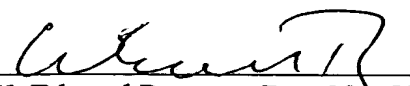
Date

Please type a plus sign (+) inside this box **[+]**

UTILITY PATENT APPLICATION TRANSMITTAL		Attorney Docket No: 28396-6		Total Pages: 13	
		First Named Inventor: Brandon, Dennis			
		Title: Adjustable Spindle Assembly For A Grass Trimmer			
		Express Mail Label No. ET252822245US			
(Only for new nonprovisional applications under 37 CFR 1.53(b))					
APPLICATION ELEMENTS			ADDRESSED TO:		Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
See MPEP chapter 600 concerning utility patent application contents					
1. <input checked="" type="checkbox"/> Utility Patent Application Transmittal [Total Pages: 2] 2. <input type="checkbox"/> Applicant(s) claim(s) small entity status, 37 CFR 1.27 3. <input type="checkbox"/> Specification, Claims and Abstract [Total Pages: ____] 4. <input type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets: ____] 5. Oath or Declaration [Total Pages: ____] a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 21 completed) [Note Box 6 below] i. <input type="checkbox"/> <u>DELETION OF INVENTORS</u> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. <input checked="" type="checkbox"/> Incorporation By Reference (useable if Box 5b is checked) The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.			7. <input type="checkbox"/> Microfiche Computer Program (Appendix) 8. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input type="checkbox"/> Computer readable copy b. <input type="checkbox"/> Paper copy (identical to computer copy) c. <input type="checkbox"/> Statement verifying identity of above copies		
			Accompanying Application Parts		
			9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of attorney (when there is an assignee) 11. <input type="checkbox"/> English Translation Document (if applicable) 12. <input type="checkbox"/> Information Disclosure Statement (IDS/PTO-1449) <input type="checkbox"/> Copies of Citations 13. <input checked="" type="checkbox"/> Preliminary Amendment 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) 15. <input type="checkbox"/> Certified Copy of Priority Document(s) 16. <input type="checkbox"/> Request and Certification Under 35 U.S.C. §122(b)(2)(B)(i) 17. <input type="checkbox"/> Other: _____		
17. FEE CALCULATION					
CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
20	TOTAL CLAIMS (37 CFR 1.16(c))	-20 =	0	x \$18 =	\$ 0
1	INDEPENDENT CLAIMS (37 CFR 1.16(b))	- 3 =	0	x \$84 =	\$ 0
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ _____ =	\$ 0
				BASIC FEE (37 CFR 1.16(a))	\$ 750.00
				Total of above Calculations =	\$ 750.00
				Reduction by 50% for filing by small entity (37 CFR 1.27) =	\$ 0
				Assignment Recordation Fee =	\$ 0
				TOTAL =	\$750.00
18. <input type="checkbox"/> Please charge Deposit Account No. 04-1133 in the amount of \$ _____.					
19. a. <input type="checkbox"/> A check in the amount of \$ _____ is enclosed.					
b. <input checked="" type="checkbox"/> Please charge the amount of \$750.00 to our Visa credit card account. Form PTO-2038 is attached.					
20. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 04-1133:					
a. <input checked="" type="checkbox"/> Fees required under 37 CFR 1.16					
b. <input checked="" type="checkbox"/> Fees required under 37 CFR 1.17					

21. If a CONTINUING APPLICATION , check appropriate box and supply the requisite information: <input type="checkbox"/> Continuation <input checked="" type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No. 09/795,645, filed February 28, 2001.					
22. CORRESPONDENCE ADDRESS					
<input checked="" type="checkbox"/> Customer Number or Bar Code Label 24256 or <input type="checkbox"/> Correspondence Address Below					
Name	W. Edward Ramage				
	Dinsmore & Shohl LLP				
Address	1900 Chemed Center				
	255 East Fifth Street				
City	Cincinnati	State	OH	Zip Code	45202
Country	USA	Telephone	513-977-	Fax	513-977-8141

Respectfully submitted,


 W. Edward Ramage, Reg. No. 50,810
 Attorney for Applicant(s)
 Dinsmore & Shohl LLP
 414 Union Street, Suite 1100
 Nashville, Tennessee 37219
 (615) 313-3338

CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label #: ET252822245US

Date of Deposit: September 18, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Patent Application; P.O. Box 1450; Commissioner for Patents; Alexandria, VA 22313-1450.


 W. Edward Ramage

er No.
Applicant(s)

Title

Description of
Documents Filed:

Serial No.: To be assigned
Inventor: BRANDON, Dennis
Title: **Adjustable Spindle Assembly for a Grass Trimmer**
Enclosures: Utility Patent Application Transmittal;
Preliminary Amendment; Form PTO-2038 charging
\$750.00; Return postcard

WER:bdm

28396-6

September 18, 2003

03970 U.S. PTO

10/666387



09/18/03

Please place the official stamp of the Patent and Trademark Office on this card and return it to us
for our files to constitute an acknowledgement by the PTO of receipt on the date stamped of the
above identified paper.